

**SEP 06 2006**

<b>FACSIMILE TRANSMITTAL FORM</b>	Application Number	09/728697
	Confirmation Number	5552
	Filing Date	December 1, 2000
	First Named Inventor	Stagg, Timothy V.
	Examiner Name	
Fax: 571-273-8300	Attorney Docket Number	54186US017
Total Number of Pages in This Submission: 4		
Date: September 6, 2006	Attorney for Applicant: Thomas M. Spielbauer	

<b>ENCLOSURES (check all that apply)</b>		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Amendment Transmittal	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s)	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Appeal Communication to Technology Center (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosures:
<input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR § 1.52 or 1.53 <input type="checkbox"/> Response to Missing Parts under 35 USC 371 in US Designated/ Elected Office (DO/EO/US)	<input checked="" type="checkbox"/> Request for Refund  <input type="checkbox"/> Request for Continued Examination (RCE) Transmittal	
<input type="checkbox"/> Drawings	<input type="checkbox"/> After Allowance Communication to Technology Center	
<input type="checkbox"/>		
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Customer Number

Patent  
Case No.: 54186US017

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: STAGG, TIMOTHY V.

Patent No.:

Confirmation No.: 5552

Issue Date:

Application No.: 09/728697

Filed: December 1, 2000

Title: TEAR CONTROL CLOSING TAPE AND CONTAINER WITH TEAR CONTROL  
CLOSING TAPEREQUEST FOR REFUND UNDER 37 CFR § 1.26Mail Stop 16  
Director of the U.S. Patent and  
Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

<b>CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]</b>	
I hereby certify that this correspondence is being:	
<input type="checkbox"/>	deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
<input checked="" type="checkbox"/>	transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at 571-273-8300
Date <u>9-6-06</u>	Signed by: <u>Jenny Thompson</u> Jenny Thompson

Dear Sir:

Pursuant to 37 C.F.R. §1.26, Applicants are entitled to a refund of \$1000.00 based on the following:

A "Request for Oral Hearing fee" in the amount of \$1000.00 was taken out of the deposit account on July 27, 2006, see Attachment A. However, Applicants never requested an oral hearing. Applicants did file a "Request for Rehearing under 37 CFR § 41.52(a)(1)" on July 21, 2006. Applicants reviewed the Transaction History of this application on PAIR, and it appears that the Request for Rehearing was mistakenly docketed as a Request for Oral Hearing.

In view of these facts, Applicants believe they are entitled to refund for the Request for Oral Hearing fee. Accordingly, Applicants hereby request a refund of \$1000.00 be credited to our Deposit Account No. 13-3723.

In addition, Applicants request that the Patent Office either take the necessary steps to

Application No.: 09/728697

Case No.: 54186US017

insure that Applicants' Request for Rehearing is properly considered, or inform Applicants of the steps they must take to have this Request for Rehearing acted upon.

Respectfully submitted,

August 24, 2006  
Date

By:



Thomas M. Spielbauer, Reg. No.: 58,492  
Telephone No.: 651-736-9814

Office of Intellectual Property Counsel  
3M Innovative Properties Company  
Facsimile No.: 651-736-3833

Attachment A: Deposit account summary

## Deposit Account Statement

## ATTACHMENT A

Page 19 of 22

07/26 1486 11459980	57928US007	1011	\$300.00	\$2
07/26 1487 11459980	57928US007	1111	\$500.00	\$2
07/26 1488 11459980	57928US007	1311	\$200.00	\$2
07/26 1517 78937619	SUN GUN 36091	7001	\$325.00	\$2
07/26 1536 78390700	CHEMSECURE 34909	7004	\$300.00	\$2
07/26 1844 10078805	51737US019	1814	\$130.00	\$2
07/26 1845 10078805	51737US019	1253	\$1,020.00	\$2
→ 07/27 1 09728697	54186USA4C.017	1403	\$1,000.00	\$2
07/27 1 10268354	57742US003	1814	\$130.00	\$2
07/27 1 29257397	61360US002	8007	\$20.00	\$2
07/27 2 10268354	57742US003	1251	\$120.00	\$2
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07/27 130 10845673	59729US002	1504	\$300.00	\$2
07/27 131 10845673	59729US002	8001	\$9.00	\$2
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07/27 296 10748049	58907US002	1814	\$130.00	\$2
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07/27 321 11492635	51800US015	1111	\$500.00	\$2
07/27 322 11492635	51800US015	1311	\$200.00	\$2
07/27 323 11492635	51800US015	1202	\$500.00	\$2
07/27 1427 1046353	POST-IT RENEWALK 006417	7205	\$100.00	\$2

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